THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20067 OF 2007

Dated 24th September, 2007

Between:

M/s Manjeera Hotel and Resorts Ltd …Petitioner

And

The Commercial Tax Officer and
Another …

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20067 OF 2007

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending appeal and also the application for stay filed by the petitioner before the second respondent, the first respondent is insisting for payment of the disputed tax.

We have gone through the record. We feel that the interest of justice would be met if stay of recovery is granted pending disposal of the appeal by the second respondent, subject to the petitioner depositing 50 per cent of the disputed tax. Therefore, we direct that there shall be stay of recovery on condition of the petitioner depositing 50 per cent of the disputed tax within a period of four weeks. For four weeks, there shall be an unconditional stay of recovery and the stay of recovery shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No costs.

Bilal Nazki,J

Dated 24th September, 2007

Ramesh Ranganathan,J

Note: Issue wire at party's cost
(b/o)
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